

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32161-2022 (O&M)
Date of Decision:-**10.01.2023**

VIKAS DABAS

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Sube S. Kaushik, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

CRM-44065-2022

In view of the reasons mentioned in the application, copy of testimony of complainant-Manoj Kumar is taken on record subject to all just exceptions.

The application stands disposed of accordingly.

Main Case

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.193 dated 24.7.2021 registered under

Sections 392/397/34 IPC and 25 of Arms Act at Police Station Julana District Jind.

The counsel for the petitioner *inter alia* contends that the petitioner is incarcerated for the last more than 1 year and 5 months and was not named in the FIR, which was registered against 4 unknown persons who had snatched one Kia Seltos car bearing registration No.HP-63B-5804 at pistol point from complainant Manoj Kumar. That complainant-Manoj Kumar while appearing in the witness box failed to identify the petitioner. The counsel further submits in all the other criminal cases, the petitioner has been granted bail and it will take time for conclusion of trial as till date only 2 prosecution witnesses have been examined, so prayer is made for grant of bail to the petitioner.

The instant petition is resisted contested by the State counsel, who on instructions from ASI Kuldeep submits that the present case is relating to snatching of Kia Seltos car from complainant-Manoj Kumar at pistol point by 4 persons and that during investigation of the case the name of the petitioner figured and the snatched car was recovered. However, the State counsel has not refuted that during trial complainant-Manoj Kumar failed to support case of prosecution and further that petitioner is in custody since last 1 year and 5 months.

I have considered the submissions made by counsel for the parties.

In view of the fact that complainant while appearing in the witness box failed to identify the petitioner and that till date only 2 out of 13 prosecution witnesses have been examined and it will take considerable

time for the trial to conclude, so no purpose is going to be served by prolonging judicial custody of the petitioner.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

10.01.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No